

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

August 25, 2003

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, August 25, 2003, 7:09 p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman; Mr. William E. Crosby, Council Member District No. 3 and Vice Chairman of County Council; Mr. Milton Farley, Council Member District No. 1; Ms. Judith K. Spooner, Council Member District No. 2; Mr. Charles E. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Mr. Steve C. Davis, Councilmember District No. 8; Mr. D. Mark Stokes, County Attorney, and Ms. Barbara B. Austin, Clerk of County Council.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspaper, radio stations, television stations, concerned citizens and posted electronically.

Chairman Rozier called the meeting to order. Councilmember Spooner gave the invocation and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES:

Chairman Rozier asked for the approval of minutes from a Special Council Meeting held July 14, 2003, and Public Hearings: Bill Numbered: 03-31 and 03-32 (GO Bonds) held July 28, 2003. Also, a Regular Council meeting also held on July 28, 2003.

It was moved by Councilmember Farley and seconded by Councilmember Fish to approve the minutes as presented. The motion was passed by unanimous voice vote of Council.

WITHOUT OBJECTION:

Councilmember Spooner reviewed the Pimlico Special Tax District (STD) Bylaws and prefaced the review by saying when the redistricting took place Pimlico was placed in her district because it was contiguous with District No. 2. Shortly after the redistricting she was contacted by several citizens who were concerned about the proposed construction of a \$200,000 Civic building. She attended a meeting as an observer and asked some questions and received some "unusual" answers. She then met with some representatives and then the County Attorney. She returned with the Assistant County Attorney to meet with the STD where they were given some legal advice. Just after a Public Hearing Councilmember

Spooner called the Chairman of the STD and suggested the residents of the STD vote on any transferring of money greater than \$25,000. The Chairman of the STD was asked to poll the members of the Commission regarding the changes to the bylaws.

Review of the bylaws:

V. Amendments

1. These bylaws may be amended as necessary by a majority vote of the Commission at a meeting whose agenda contains the proposed amendment.
2. Amendments must be approved by the County Council.

I. Power, Purpose, and Duties

1. The Commission will draw up an **proposed** annual budget, setting the annual uniform service charge and designating how the revenue funds are intended to be used. **The Commission shall present the budget to the residents of Pimlico at a publicly noticed meeting prior to submitting the budget** and submit it to the Berkeley County Council for approval. **If the Commission has included in its budget any budget expenditure that exceeds \$50,000 and/or involves a multi-year monthly contract, the Commission shall first present the proposed expenditure to the residents of the Tax District at a special public hearing.**

Councilmember Spooner explained that the Commission can take recommendations for the budget, but the final decision is the Commission's. Also, \$50,000 for multi-year monthly contracts is debatable. This figure was taken from a previous capital expenditure that the STD funded.

2. The Commission will solicit suggestions from the Pimlico Community, and do such research as is appropriate, to determine what services are necessary and desirable to enhance living in the community.

Councilmember Spooner stated that nothing in this section had changed.

3. In keeping with Section III of the Ordinance establishing the Pimlico Special Tax District, the Commission will write specifications for and distribute bid requests, and arrange for the letting of contracts. The Commission may solicit assistance from ~~the Pimlico Civic Club~~ and/or the community for the drafting of specifications and/or requests for proposals.

Councilmember Spooner indicated that the Civic Club was allowed to do this in the past and it is not to be done in the future. If it is done then County Council needs to be notified.

4. The Commission will oversee the disbursement of its revenue...

Has not changed.

II. Eligibility, Election, and Organization of Commission

2. Only ~~resident real property owners~~ **registered voters residing within the District** may serve as Commissioners.

4. Election of Commissioners:

A. Based upon the results of a district-wide election held in November, in which only ~~owners of real property~~ **registered electors residing** in the district may vote, the current Commissioners...

C. Proxy votes will not be allowed; however, absentee votes, signed and sealed by the qualified voter and delivered to a Commissioner in advance of the election, may be accepted. **The Commission shall establish and publish the procedure for submissions of absentee ballots.**

Chairperson **man** was changed throughout the document.

IV. Meetings

7. ~~Any resident in the District may address the Commission at a public meeting.~~

Councilmember Spooner suggested to leave number 7 in the bylaws. She also suggested in future that the STD give the residents a list of plans for the budget year, what they intend to do with the funds, i.e. projects, capital improvement, etc.

PUBLIC DISCUSSION:

Gary Rogers, Pimlico asked Council to postpone their vote tonight on both the Pimlico STD budget and the Bylaws. The people in Pimlico have not had a chance to review the items. Allow the STD budget to be redone. He requested that the \$50,000 budget expenditure be reduced.

Chairman Rozier stated if the budget is held then the tax bills for Pimlico will be held up.

Mr. Rogers suggested to pass the budget, but to not allow any expenditure payments until the budget can be looked at and reworked.

Chairman Rozier explained the budget could be passed at anytime with a fee, and the expenditures can be revisited at anytime.

Councilmember Pinckney asked Mr. Rogers if he thought the residents of Pimlico would have any problem with the budget being passed as he suggested and the residents having a meeting to reconstruct the budget.

Councilmember Spooner posed the idea that the Operation and Maintenance part of the budget pass and the Capital improvements be held until there is more precise direction with it.

Councilmember Mims asked for a show of hands representing the number of residents of Pimlico that were in attendance; also, a show of hands of the ones that would prefer for the budget and bylaws not to pass tonight.

Chairman Rozier asked for a show of hands from the Pimlico residence that wanted to see the budget passed as it is.

There were approximately 15 hands raised.

Chairman Rozier asked for a show of hands from those that would like to see the budget passed, but still have concerns with the way it is spent.

There were approximately 3 hands raised.

Mr. Larry Singer, 1806 Mallard Cr., Pimlico addressed Council stating the residents have been there since March with concerns regarding the STD's budget. He previously suggested a referendum that would allow the residents to vote on any expenditure over \$25,000. He stated the "\$50,000" expenditure limit needs to be lowered and the money that is in a private organization i.e., Civic Club, needs to go back to the STD "where it belongs." "Please don't tell me, 'Well, they did it because.' They have got \$50,000 in the STD, how did they get that money if it was illegal to keep it, and they have \$25,000 in the Civic Club. We have got enough money to run Pimlico's everyday expenses for the next, probably, five (5) years."

Councilmember Spooner asked the County Attorney to respond to the question regarding the money being returned to the STD from the Civic Club.

Mr. D. Mark Stokes, County Attorney explained when an informal investigation was done, it was discovered that the STD contracted with the Civic Club to do maintenance services, as well as, a building, etc. Some of the problems that have occurred in the past have been corrected, regarding what is required, following the procurement ordinance, and following the County's regulations with regards to exceptions for procurement.

Councilmember Spooner asked the County Attorney for legal direction on the imposing a referendum for the STD when there is a large expenditure?

Mr. Stokes indicated that a referendum would not be binding to County Council; it would be advisory.

Mr. Singer stated there was no public input. Unlike Council that has three (3) readings and a Public Hearing, the STD decides and votes the same night; therefore, there is no time for public input.

Mr. Edwin D. Rogers, 1912 Rockfish Road, Pimlico and Ellen Green, 1406 Churchill Road, Pimlico addressed Council. Mr. Rogers stated they have a community they are proud

of. Not all of the input of tonight is representative of Pimlico. No one has come forward in the past about the budget. "The term 'referendum' is thrown around very loosely. I don't think most people understand the expense and trouble involved in a referendum. We have had referendums before, it takes a lot of work by a lot of people and it takes an expense to contact all the property owners. The people that have been doing most of the talking have done nothing to improve Pimlico, except address ya'll and I firmly believe, have gone out of their way to mislead ya'll"

Ms. Green, Chairman Pimlico STD, "We are all concerned citizens. We all support Pimlico. I think the bottom line is we want what is best for Pimlico. Whether we vote half and half we are a united group. The meetings are always posted on a billboard. At the beginning of the year we have them published in the Berkeley Independent. We do everything to meet the legal standards, required by law for a Special Tax District. Until this year we have had trouble getting people to run, much less having a dual slate. We make sure that we try to listen to everybody when they speak; they have just begun to speak."

Councilmember Steve Davis asked Ms. Green if she supported a referendum?

Ms. Green stated that she did not. It was too costly and there would be problems finding individuals to man the polls. She indicated that she fully supports an open town meeting.

Chairman Rozier instructed Council: 1) if the budget is not passed, a continuing resolution is needed because the current one expires August 31, 2003; 2) if a continuing resolution is passed then there must be instructions as to what to do with the tax money.

Ms. Jean Mills, 1205 Waterside Blvd., Pimlico explained at the STD meeting in March, no one was allowed to speak until a vote was taken on the budget. Many of the residents do not attend the meeting to vote for the STD members because it is held before a Civic Club meeting and many do not wish to attend the Civic Club meetings.

Mr. Stokes explained that a continuing resolution would allow for the continuing collection of the existing fee and also for the existing expenditures of the previously existing expenditures. He recommended a resolution to approve the revenues in the amount as budgeted, and then approve the expenditures that Council wanted to approve. Then Council could address the remainder of the budget at a later date.

EXECUTIVE SESSION:

Chairman Rozier stated an Executive Session was needed to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal

claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

It was moved by Councilmember Spooner and seconded by Councilmember Farley to enter into Executive Session. The motion passed by unanimous voice vote of Council.

Berkeley County Council entered into Executive Session at 8:07 p.m. and returned at 9:10 p.m.

Mr. Stokes reported that Berkeley County Council entered into Executive Session to discuss matters as stated in the motion, no formal action was taken.

CHAIRMAN OF COUNTY COUNCIL

Chairman Rozier reported that Standard & Poors gave Berkeley County a rating increase of A+. During this time in the economy that is excellent. That is the third (3rd) increase since 1991. Berkeley County kept the rating of A¹ with Moody's rating agency (A¹ is equivalent to an A+). Berkeley County is excited about the ratings.

Moody's, "The rating reflects the increasingly diverse economy and strong residential growth and proximity to the City of Charleston. An adequate financial position that is stabilized, and a moderate debt position, the continued commercial and residential growth, especially on Daniel Island. Berkeley's industrial base includes electrical generation, steel, pharmaceuticals, medical supplies and chemicals reflecting strong growth trends. The County has enjoyed substantial increases in construction permits for both residential and commercial use. While Daniel Island is a major driver in the County's tax base a network of nineteen (19) industrial parks has also contributed to new growth. The County's 5.89 Billion tax base has grown at a healthy average rate of 8.5% over the past five (5) years. Including a 23% increase with reassessment in 2000. Berkeley County has allowed an increase in services while maintaining a stable millage rate."

All Counties are allowed an 8% debt limit. Most Counties run right at that limit. Berkeley County has a debt load of 3.4%.

THIRD READING:

"BILL NO. 03-25, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, FOR THE PIMLICO SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE PIMLICO SPECIAL TAX DISTRICT DURING THE FISCAL YEAR."

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to amend Bill No. 03-25 to pass the Total Revenue portion of the budget as it pertains to Operating and Maintenance; the assessment would be \$50 for improved lots and \$25 for

unimproved lots. Council will meet at another time for passing of the remainder of the budget, i.e. Capital Improvements. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-08-52 is attached to these minutes.)

“BILL NO. 03-33, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #211-00-02-018.” (Weatherton)

It was moved by Councilmember Crosby and seconded by Councilmember Farley to adopt **Bill No. 03-33 for Third and Final Reading.** The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-08-43 is attached to these minutes.)

“BILL NO. 03-34, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #232-00-02-137.” (Harold Tyner Development, Corp.)

It was moved by Councilmember Charles Davis and seconded by Councilmember Fish to adopt **Bill No. 03-34 for Third and Final Reading.** The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-08-44 is attached to these minutes.)

“BILL NO. 03-35, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #232-00-02-136.” (Hensley)

It was moved by Councilmember Charles Davis and seconded by Councilmember Fish to adopt **Bill No. 03-35 for Third and Final Reading.** The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-08-45 is attached to these minutes.)

“BILL NO. 03-36, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #141-12-00-008.” (Daniels)

It was moved by Councilmember Mims and seconded by Councilmember Pinckney to adopt **Bill No. 03-36 for Third and Final Reading.** The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-08-46 is attached to these minutes.)

“BILL NO. 03-37, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #194-00-02-052.” (Polite)

It was moved by Councilmember Pinckney and seconded by Councilmember Steve Davis to adopt **Bill No. 03-37 for Third and Final Reading.** The motion passed by

unanimous voice vote of Council. *(A copy of Ordinance No. 03-08-47 is attached to these minutes.)*

“BILL NO. 03-38, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #036-00-04-007.” *(Turner, Jr.)*

It was moved by Councilmember Steve Davis and seconded by Councilmember Pinckney to adopt **Bill No. 03-38 for Third and Final Reading.** The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 03-08-48 is attached to these minutes.)*

“BILL NO. 03-39, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #075-00-00-048.” *(Casselman)*

It was moved by Councilmember Steve Davis and seconded by Councilmember Pinckney to adopt **Bill No. 03-39 for Third and Final Reading.** The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 03-08-49 is attached to these minutes.)*

“BILL NO. 03-46, AN ORDINANCE APPROVING THE ACCEPTANCE OF A MEDIUM OF PAYMENT FOR PROPERTY TAXES AND THE IMPOSITION OF A UNIFORM SERVICE CHARGE AS A CONDITION THEREOF PURSUANT TO SOUTH CAROLINA CODE OF LAWS SECTION 12-45-90.”

It was moved by Councilmember Spooner and seconded by Councilmember Fish to adopt **Bill No. 03-46 for Third and Final Reading.** The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 03-08-50 is attached to these minutes.)*

“BILL NO. 03-47, AN ORDINANCE TO AMEND ORDINANCE NUMBER 03-06-35, SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET, 2003-2004, AND TO REDUCE THE MILLAGE ASSESSED IN THE TAX DISTRICT.”

It was moved by Councilmember Charles Davis and seconded by Councilmember Pinckney to adopt **Bill No. 03-47 for Third and Final Reading.** The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 03-08-51 is attached to these minutes.)*

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

It was moved by Councilmember Spooner and seconded by Councilmember Mims to read all Bills for second reading collectively.

“BILL NO. 03-43, AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE TRANSFER OF AUTHORITY FOR CONDUCTING MUNICIPAL ELECTIONS IN THE TOWN OF ST. STEPHEN TO THE BERKELEY COUNTY VOTER REGISTRATION AND ELECTION COMMISSION; TO DEFINE THE POWERS, DUTIES AND RESPONSIBILITIES ASSUMED BY THE BERKELEY COUNTY VOTER REGISTRATION COMMISSION FOR THE CONDUCT OF MUNICIPAL ELECTIONS IN THE TOWN OF ST. STEPHEN; TO PROVIDE FOR THE REIMBURSEMENT OF ALL COSTS AND EXPENSES INCURRED BY THE BERKELEY COUNTY VOTER REGISTRATION AND ELECTION COMMISSION IN THE CONDUCT OF SUCH MUNICIPAL ELECTIONS; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.”

“BILL NO. 03-44, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #232-00-02-136.” (*Hensley*)

“BILL NO. 03-45, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #142-04-02-032.” (*Marion*)

“BILL NO. 03-48, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT AND CERTAIN INSTRUMENTS RELATING THERETO BY AND BETWEEN BERKELEY COUNTY AND MARINE BARGE COMPANY, LLC WHEREBY, BERKELEY COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH MARINE BARGE COMPANY, LLC; PROVIDING FOR PAYMENT BY MARINE BARGE COMPANY, LLC OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; AND OTHER MATTERS RELATING THERETO.”

Bill No. 03-43, 03-44, 03-45 and Bill No. 03-48 were approved for Second Reading.
The motion passed by unanimous voice vote of Council.

FIRST READING:

Chairman Rozier explained that Bills for First Reading are read into the record by title and then sent to the proper Committee for discussion. There would be no vote or discussion tonight on the Bills for First Reading.

“BILL NO. 03-49, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #222-11-00-027.” *(Stewart)*

“BILL NO. 03-50, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #142-14-00-006.” *(Singletary/Gaskins)*

“BILL NO. 03-51, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #209-06-00-017.” *(Valimont/Chaffin)*

“BILL NO. 03-52, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #244-05-01-006.” *(Seel)*

“BILL NO. 03-53, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #222-00-00-002.” *(St. Laurent/Altman)*

“BILL NO. 03-54, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #180-14-02-018.” *(Hartley)*

“BILL NO. 03-55, AN ORDINANCE GRANTING A FRANCHISE FOR THE CONSTRUCTION, ACQUISITION, OPERATION, AND MAINTENANCE OF A CABLE TELEVISION SYSTEM WITHIN THE SPECIFIC UNINCORPORATED AREAS OF THE COUNTY OF BERKELEY TO BERKELEY CABLE TELEVISION, INC. AND TO REPEAL ORDINANCE NUMBER 95-10-37 IN ITS ENTIRETY.”

“BILL NO. 03-56, A SECOND SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BERKELEY COUNTY, SOUTH CAROLINA, WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2003B, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$3,500,000; PRESCRIBING THE FORM AND DETAILS OF SUCH BONDS; AND OTHER MATTERS RELATING THERETO.”

“BILL NO. 03-57, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF BERKELEY COUNTY, SOUTH CAROLINA, SOLID WASTE HAULER SURETY BONDS.”

RESOLUTIONS:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2003-2004 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Councilmember Spooner and seconded by Councilmember Farley to amend and adopt the transfer resolution as follows: deletion of \$4,436 for the Auditor’s office and reduce the total amount by \$4,436. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-45 is attached to these minutes.)

“RESOLUTION AUTHORIZING AN AMENDMENT TO THE PIMLICO SPECIAL TAX DISTRICT BY LAWS.”

The item was sent back to the Committee on Community Services.

“RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO NEGOTIATE AND EXECUTE A CONTRACT WITH THE VARIOUS RURAL FIRE DEPARTMENTS FOR FIRE PROTECTION SERVICES THROUGHOUT THE COUNTY.”

It was moved by Councilmember Steve Davis and seconded by Councilmember Fish to adopt the Resolution as presented. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-41 is attached to these minutes.)

“RESOLUTION TO AUTHORIZE THE COUNTY SUPERVISOR TO RENEW THE CONTRACT FOR VETERINARY SERVICES AT CYPRESS GARDENS.”

It was moved by Councilmember Fish and seconded by Councilmember Farley to adopt the Resolution as presented. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-42 is attached to these minutes.)

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Councilmember, Mr. Dennis L. Fish, Chairman.

Councilmember Fish reported the Committee met on August 18th and earlier tonight. All matters before the committee were handled on tonight’s agenda.

COMMITTEE ON LAND USE, Councilmember, Mr. Milton Farley, Chairman.

Councilmember Farley reported the Committee met on August 18, 2003, many of the matters were taken care of on tonight’s agenda.

Recommendation to deny:

Request by **David Blanchard** for **Jeff Stahl** (Jessco Homes), Royle Road and Sangaree Blvd., Summerville, TMS #233-00-00-034, (5.9 acres), **from R-1, Single Family Residential District, to R04, Multifamily Residential District.** Council District 4.

This item was withdrawn prior to tonight's meeting.

COMMITTEE ON PUBLIC WORKS AND PURCHASING, Councilmember, Mr. Caldwell Pinckney, Jr., Chairman

Councilmember Pinckney reported the Committee met on August 18, 2003.

Upon recommendation of the Committee Councilmember Pinckney moved to request an opinion from the Attorney General as to the Constitutionality of the County's former policy to perform work on private property where the County is paid in full for work performed. **NO SECOND REQUIRED.**

Role Call Vote:

Councilmember Farley	"Nay"
Councilmember Spooner	"Nay"
Councilmember Crosby	"Nay"
Councilmember Charles Davis	"Aye"
Councilmember Fish	"Nay"
Councilmember Mims	"Aye"
Councilmember Pinckney	"Aye"
Councilmember Steve Davis	"Aye"
Chairman Rozier	"Nay"

Chairman Rozier explained that he was voting "Nay" because the Attorney General has already told the newspapers, the County Attorney and him that he would give the opinion that it was not constitutional for the County to perform work on private property.

The roll call vote resulted in a tie with Chairman Rozier breaking the tie with a vote of "Nay".

Upon recommendation of the Committee Councilmember Pinckney moved to grant the variances as requested for **Yeshoe Plantation with the County Engineer's conditions as recommended.** **NO SECOND REQUIRED.** The motion passed by majority voice vote of Council with Councilmember Spooner voting "Nay".

Upon recommendation of the Committee Councilmember Pinckney moved to award the contract for the **Strawberry renovation project to Eadies Construction, Inc. in the amount of \$339,637.** **NO SECOND REQUIRED.** The motion passed by unanimous voice vote of Council.

Upon recommendation of the Committee Councilmember Pinckney moved to award the contract for **2003/2004 Sewer System Evaluation Survey to Engineering Resources Corp. in the amount of not to exceed \$400,000. NO SECOND REQUIRED.** The motion passed by unanimous voice vote of Council.

Upon recommendation of the Committee Councilmember Pinckney moved to award the contract for the **Vehicle Tracking System to Advance Tracking Technology, Inc. in the amount of \$64,800. NO SECOND REQUIRED.** The motion passed by majority voice vote of Council, with Councilmember Fish voting "Nay".

Upon recommendation of the Committee Councilmember Pinckney moved to award the contract for **Banking Services for BCW&SA to National Bank of South Carolina. NO SECOND REQUIRED.** The motion passed by unanimous voice vote of Council.

COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Councilmember, Ms. Judy C. Mims, Chairman.

Councilmember Mims reported the Committee met on August 11 and 18, 2003; several of the matters before the Committee had been taken care of on tonight's agenda.

Upon recommendation of the Committee Councilmember Mims moved to **eliminate a clerical position in the Magistrate's office and increase three (3) positions by 7.5 hours each; no additional funds are required. NO SECOND REQUIRED.** The motion passed by unanimous voice vote of Council.

COMMITTEE ON WATER AND SANITATION, Councilmember, Mr. Steve C. Davis, Chairman.

Councilmember Steve Davis reported the Committee met on August 11, 2003. Several of the matters before the Committee were taken care of on tonight's agenda.

Upon recommendation of the Committee Councilmember Steve Davis moved to approve the **application for a CDBG Grant for the Shulerville/Honey Hill Project. NO SECOND REQUIRED.** The motion passed by unanimous voice vote of Council.

Councilmember Steve Davis reported that Council received updates in regard to the standards for potable water systems and sanitary sewer systems connecting to the Authority's system. No action was required.

COMMITTEE ON PLANNING AND DEVELOPMENT, Councilmember, Mr. Charles E. Davis, Chairman.

Councilmember Charles Davis reported the Committee met on August 18, 2003. All matters before the Committee were taken care of on tonight's agenda.

COMMITTEE ON COMMUNITY SERVICES, Councilmember, Ms. Judith K. Spooner, Chairman.

Councilmember Spooner reported the Committee met on August 11, 2003.

Councilmember Spooner moved upon recommendation of the Committee to approve a **Federal Library Service and Technology Continuing Education Grant to the South Carolina State Library, with matching funds to come from the Library budget. NO SECOND REQUIRED.** The motion passed by unanimous voice vote of Council.

COMMITTEE ON HUMAN SERVICES, Councilmember, Mr. William E. Crosby, Chairman.

No Report.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

Councilmember Charles Davis nominated Mr. Michael Reock for reappointment to the Berkeley County Library Board.

Councilmember Spooner nominated Mr. Stephen M. Richards to the Pimlico Special Tax District.

The motions passed by unanimous voice vote of Council.

There was no **CORRESPONDENCE**.

There was no **UNFINISHED BUSINESS**.

NEW BUSINESS:

WITHOUT OBJECTION:

Chairman Rozier stated the Chief Magistrate was requesting to participate in the Setoff Debt Collection program. A program the South Carolina Association of Counties has to enter a claim on the individual's income tax return with the Department of Revenue. Berkeley County Water and Sanitation and EMS both use this system. The total amount requested is \$11,656 to be transferred from Contingency to the Magistrate's budget. Chairman Rozier explained the money is to go to several line items and asked Council to give him the opportunity to choose the proper line items.

It was moved by Councilmember Mims and seconded by Councilmember Spooner to transfer **\$11,656 from Contingency to the Magistrate's budget to pay for cost incurred by the Setoff Debt Collection Program.** The motion passed by unanimous voice vote of Council.

Chairman Rozier stated that he was impressed with the Chief Magistrate's efforts to collect money. There are considerable millions of dollars in fines that have not been collected over the years.

Mr. Stokes explained Berkeley County has received a grant from the Federal Aviation Association totaling \$295,000. The matching funds were approved in May 2003 (during budgeting), in the amount of \$27,000. A Resolution is needed to accept the grant from the FAA.

It was moved by Councilmember Mims and seconded by Councilmember Spooner to adopt a **Resolution to accept a grant for \$295,000 from the FAA.** The motion was passed by unanimous voice vote of Council.

"RESOLUTION TO ACCEPT A GRANT FROM THE FEDERAL AVIATION ASSOCIATION FOR THE AIRPORT IMPROVEMENT PROJECT NO. 3-45-0041-11 AT BERKELEY COUNTY AIRPORT, MONCK'S CORNER, SOUTH CAROLINA." *(A copy of Resolution No. R 03-44 is attached to these minutes.)*

Chairman Rozier explained the method of collection for fire fees in Sangaree has changed to a set fee, much like the rest of Berkeley County, with doing so the millage rate has decreased for Sangaree. However, this leaves the Fire Department without funding for a period of approximately six (6) months. A Resolution is needed to allow the Sangaree Special tax District to continue to make monthly payments to the fire departments, and when the taxes are collected the tax money will pay back Sangaree Special Tax District.

It was moved by Councilmember Charles Davis and seconded by Councilmember Pinckney to adopt a **Resolution to allow for Sangaree Special Tax District to continue paying the fire departments until tax monies can be collected for reimbursement.** The motion passed by unanimous voice vote of Council.

"RESOLUTION AUTHORIZING THE SANGAREE SPECIAL TAX DISTRICT TO CONTINUE MAKING PAYMENTS TO C&B RURAL VOLUNTEER FIRE DEPARTMENT AND PINE RIDGE RURAL VOLUNTEER FIRE DEPARTMENT FOR FIRE SUPPRESSION SERVICES WITHIN THE TAX DISTRICT THROUGH DECEMBER 31, 2003, AND TO SEEK REIMBURSEMENT THEREOF." *(A copy of Resolution No. R 03-43 is attached to these minutes.)*

Councilmember Crosby commended Berkeley County Rescue Squad for their prompt response and outstanding efforts during the extraction of a motorist involved in an accident he witnessed. He was very impressed by their efforts. He stated he would take this into consideration when they are before Council in the future.

ANNOUNCEMENTS:

The September 2003, **Regular Meeting of Berkeley County Council** will be held on **Monday, September 22, 2003**, in the **Assembly Room, 223 North Live Oak Drive, Moncks Corner, S.C.**, at **7:00 p.m.**

The **Committee on Community Services** meeting will be held on **Monday, September 15, 2003**, in the **Assembly Room, 223 North Live Oak Drive, Moncks Corner, S.C.** at **6:00 p.m.**

It was moved by Councilmember Spooner and seconded by Councilmember Steve Davis to adjourn the Regular Meeting of Berkeley County Council. The motion passed by unanimous voice vote of Council.

The meeting was adjourned at 9:35 p.m.

EXECUTION OF DOCUMENTS BY COUNCIL.

There was no **PUBLIC DISCUSSION**.

S/Barbara B. Austin
Clerk of County Council

September 22, 2003
Date Approved

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on **Monday August 25, 2003**, is scheduled to begin at 7:00 P.M., in the **ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.**

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES:

Special Council Meeting	July 14, 2003
Public Hearings: Bills Numbered: 03-31 and 03-32 (GO Bonds)	July 28, 2003
Regular Council Meeting	July 28, 2003

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

1. Bill No. 03-25, An **Ordinance** providing for the fiscal year beginning July 1, 2003, and ending June 30, 2004, for the **Pimlico Special Tax District operational budget**; and to provide for the expenditures of the revenues received by the Pimlico Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

2. Bill No. 03-33, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re **Douglas Weatherton**, 3027 Old Highway 52, Moncks Corner, TMS #211-00-02-018, (1 acre portion, 3 acres total), **from HI, Heavy Industrial District, to R-2 Mobile Homes Residential District**. Council District No. 3.

[Recommended by Committee on Land Use]

3. **Bill No. 03-34**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Harold Tyner Development Corp**, Sangaree Parkway, Summerville, TMS #232-00-02-137, (1.65 acres), **from R-1, Single Family Residential District, to R-4, Multi Family District**. Council District No. 4.
[Recommended by Committee on Land Use]

4. **Bill No. 03-35**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Dean Hensley**, Day Road, Summerville, TMS #232-00-02-136, (11.517 acre portion, 13.924 acres total) **from LI, Light Industrial District, to GC, General Commercial District**. Council District No. 4.
[Recommended by Committee on Land Use]

5. **Bill No. 03-36**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Derrick Daniels**, 902 Whitesville Road, Moncks Corner, TMS #141-12-00-008, (1.58 acres), **from GC, General Commercial District, to F-1, Agricultural District**. Council District No. 6.
[Recommended by Committee on Land Use]

6. **Bill No. 03-37**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Thelma Polite**, 1425 Leisure Drive, Summerville, TMS #194-00-02-052, (.16 acre portion, 1 acre total), **from F-1, Agriculture District, to RNC, Rural and Neighbor Commercial District**. Council District 7.
[Recommended by Committee on Land Use]

7. **Bill No. 03-38**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **David Turner, Jr.**, 2769 Harristown Road, St. Stephen, TMS #036-00-04-007, (.11 acre portion, 2.52 acres total), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 8.
[Recommended by Committee on Land Use]

8. **Bill No. 03-39**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Nancelle Casselman**, 7761 Highway 41, Jamestown, TMS #075-00-00-048, (1.5 acre portion, 3.18 acres total), **from F-1, Agricultural District, to GC, General Commercial District**. Council District No. 8.
[Recommended by Committee on Land Use]

9. **Bill No. 03-46**, an **Ordinance** approving the acceptance of a medium of payment for property taxes and the imposition of a uniform service charge as a condition thereof pursuant to South Carolina Code of Laws Section 12-45-90.
[Recommended by Committee on Finance]

10. Bill No. 03-47, an Ordinance to amend Ordinance Number 03-06-35, **Sangaree Special Tax District Operational Budget, 2003-2004**, and to reduce the millage assessed in the tax district.

[Recommended by Committee on Finance]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. Bill No. 03-43, An Ordinance authorizing the acceptance of the transfer of authority for conducting municipal elections in the Town of St. Stephen to the Berkeley County Voter Registration and Election Commission; to define the powers, duties and responsibilities assumed by the Berkeley County Voter Registration Commission for the conduct of Municipal Elections in the Town of St. Stephen; to provide for the reimbursement of all costs and expenses incurred by the Berkeley County Voter Registration and Election Commission in the conduct of such Municipal Elections; and to provide for other matters relating thereto.

[Recommended by Committee on Community Services]

2. Bill No. 03-44, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Dean Hensley**, Day Road, Summerville, TMS # 232-00-02-136, (2.41 acres portion, 13.924 acres total), **from LI, Light Industrial, to GC, General Commercial District**. Council District No. 4.

[Recommended by Committee on Land Use]

3. Bill No. 03-45, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Frederick Marion**, Mitten Lane, Moncks Corner, TMS #142-04-02-032, (.13 acre portion, .64 acre total), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 8.

[Recommended by Committee on Land Use]

4. Bill No. 03-48, an Ordinance authorizing the execution and delivery of a Fee-In-Lieu of Tax Agreement and certain instruments relating thereto by and between Berkeley County and **Marine Barge Company, LLC** whereby, Berkeley County will enter into a Fee-In-Lieu of taxes arrangement with Marine Barge Company, LLC; providing for payment by Marine Barge Company, LLC of certain fees in lieu of Ad Valorem Taxes; and other matters relating thereto.

[Recommended by Committee on Finance]

FIRST READING:

1. **Bill No. 03-49**, An **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Jennifer & Chuck Stewart**, 601 Myers Road, Summerville, TMS# 222-11-00-027, (1.94 acres), **from GC, General Commercial District, to R-1MM, Multi-Section Manufactured Residential District**. Council District 4.

[Recommended by Committee on Land Use]

2. **Bill No. 03-50**, An **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Arnold Singletary for Cohen Gaskins**, 726 S. Live Oak Drive, Moncks Corner, TMS# 142-14-00-006, (1 lot), **from R-2, Mobile Home Residential District, to GC, General Commercial District**. Council District 8.

[Recommended by Committee on Land Use]

3. **Bill No. 03-51**, An **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **June Valimont for Emily Chaffin**, 308 Pye Lane, Summerville, TMS# 209-06-00-017, (8.52 acres), **from R-2 Mobile Home Residential District, to R2-RF, Mobile Home Rural Farm Residential District**. Council District 6.

[Recommended by Committee on Land Use]

4. **Bill No. 03-52**, An **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Arthur & Cleveland Seel**, Liberty Hall Road, Goose Creek, TMS# 244-05-01-006, (1.15 acres), **from R-2, Mobile Home Residential District, to CG, General Commercial District**. Council District 3.

[Recommended by Committee on Land Use]

5. **Bill No. 03-53**, An **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Fred St. Laurent, Jr. for Lottie Altman**, 2833 N. Main St., Summerville, TMS# 222-00-00-002, (1 lot), **from PDMU, Planned District Mixed Use, to GC, General Commercial District**. Council District 4.

[Recommended by Committee on Land Use]

6. **Bill No. 03-54**, An **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Richard Hartley**, 2155 S. Live Oak Dr., Moncks Corner, TMS# 180-14-02-018, (1 lot), **from R-2, Mobile Home Residential District, to GC, General Commercial District**. Council District 6.

[Recommended by Committee on Land Use]

7. **Bill No. 03-55**, an **Ordinance** granting a franchise for the construction, acquisition, operation, and maintenance of a cable television system within the specific

unincorporated areas of the County of Berkeley to **Berkeley Cable Television, Inc.** and to repeal Ordinance Number 95-10-37 in its entirety.

[Recommended by Committee on Finance]

8. **Bill No. 03-56, A Second Supplemental Ordinance** providing for the issuance and sale of **Berkeley County South Carolina, Water and Sewer System Revenue Bonds, Series 2003B**, in the principal amount of not exceeding \$3,500,000; prescribing the form and details of such bonds; and other matters relating thereto.

[Recommended by Committee on Water and Sanitation]

9. **Bill No. 03-57, An Ordinance** amending the **Code of Ordinances** of Berkeley County, South Carolina, **Solid Waste Hauler Surety Bonds**.

[Recommended by Committee on Water and Sanitation]

RESOLUTIONS:

1. **RESOLUTION** providing for the Transfer of Funds in the 2003-2004 Berkeley County Budget for County Purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

2. **RESOLUTION** authorizing an amendment to the Pimlico Special Tax District By Laws.

[Recommended by Committee on Finance]

3. **RESOLUTION** authorizing the County Supervisor to negotiate and execute a contract with the various Rural Fire Departments for fire protection services throughout the County.

[Recommended by Committee on Justice and Public Safety]

4. **RESOLUTION** to Authorize the County Supervisor to Renew the Contract for Veterinary Services at Cypress Gardens.

REPORTS FROM STANDING COMMITTEES:

1. **Committee on Finance.**
Councilmember, Mr. Dennis L. Fish, Chairman.
 - a. Berkeley County Auditor: Additional funds.

2. **Committee on Land Use.**
Councilmember, Mr. Milton Farley, Chairman.
Recommendation to deny:

Request by **David Blanchard** for **Jeff Stahl** (Jessco Homes), Royle Road and Sangaree Blvd., Summerville, TMS# 233-00-00-034, (5.9 acres), **from R-1**,

Single Family Residential District, to R-4, Multifamily Residential District. Council District 4.

- 3. Committee on Public Works and Purchasing.
Councilmember, Caldwell Pinckney, Jr., Chairman.**
Bids and Recommendations:
 - a. Attorney General's opinion re: County work on Private property.
 - b. Yeshoe Plantation
 - c. 2003/2004 Sewer System Evaluation Survey
 - d. Vehicle Tracking System
 - e. Banking services
- 4. Committee on Justice and Public Safety.
Councilmember, Mrs. Judy C. Mims, Chairman**
 - a. Bond Judges' hours.
- 5. Committee on Water and Sanitation.
Councilmember, Mr. Steve C. Davis, Chairman.**
 - a. Shulerville/Honey Hill CDBG Grant.
- 6. Committee on Planning and Development.
Councilmember, Mr. Charles E. Davis, Chairman.**
- 7. Committee on Community Services.
Councilmember, Mrs. Judith K. Spooner, Chairman.**
 - a. Federal Library Grant.
- 8. Committee on Human Services.
Councilmember, Mr. William E. Crosby, Chairman.**

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE
BCD COUNCIL OF GOVERNMENTS
BERKELEY-CHARLESTON-DORCHESTER – RTMA
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
HOUSING BOARD OF ADJUSTMENTS AND APPEALS
LIBRARY BOARD
MENTAL HEALTH BOARD
PIMLICO SPECIAL TAX DISTRICT
 Mr. Stephen M. Richards
SANTÉE COOPER COUNTIES PROMOTION COMMISSION
SPIERS LANDING COMMISSION
TALL PINES SPECIAL TAX DISTRICT
TAX ASSESSMENT REVIEW BOARD

**TRIDENT WORKFORCE INVESTMENT BOARD
WATER AND SANITATION APPEALS BOARD**

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

The **SEPTEMBER 2003, Regular Meeting of Berkeley County Council** will be held on **MONDAY SEPTEMBER 22ND 2003**, in **THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.**, at **7:00 P.M.**

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

August 20, 2003
S/Barbara B. Austin
Clerk of County Council